THE HON'BLE DR JUSTICE G.YETHIRAJULU

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WRIT PETITION NO : 12722 of 1994

06-02-2006

Between:

1. The Executive Engineer, PJP Regulapalli, Gadwal, Mahabubnagar Dist. And another.

..... PETITIONERS

AND

1. Venkatayya s/o Savaranna and another.

.....RESPONDENTS

THE HON'BLE DR JUSTICE G.YETHIRAJULU

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WRIT PETITION NO : 12722 of 1994

O R D E R:

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This writ petition is filed by the State represented by the Executive Engineer, Mahaboobnagar against the order dated 31.08.1991, in I.D.No. 334 of 1993 (old ID No.267 of 1991) on the file of the Labour Court -III, Hyderabad.

The writ petitioner who is the workman filed an application under Section 2A(2) of (A.P.Amendment Act 32 of 1987) of Industrial Tribunal Act, 1947 before the Labour Court, Hyderabad, questioning the order of termination as N.M.R worker. The Labour Court having considered the material available on record, set aside the said order which is impugned in this writ petition. The relevant portion of the order is extracted hereunder:

> "The award is passed making the interim order 19-2-92 as absolute directing the respondent for continuance of the petitioner as N.M.R. by counting his past service for the eligibility of regularization subject to the availability of permanent vacancies. Reinstatement shall be made forthwith in case the petitioner is discontinued during the pendency of the case. For the disengaged period during June 1988 upto reinstatement on interim order and for the subsequent disengaged period the petitioner shall be paid with Rs.150/- p.m."

Questioning the said order, the present writ petition is filed.

During the course of arguments, it is represented by the learned counsel for the 1st respondent-workman that during the pendency of the industrial dispute before the labour Court, an interim direction was given for reinstatment of workman and accordingly, he was reinstated as N.M.R on 19-2-1992 and has been continuing in the same capacity.

The learned counsel for the writ petitioner also confirms the same.

In view of the compliance of the order of the Labour Court, the petitioner cannot further agitate to continue the workmen as N.M.R. and there is no need to pass a fresh order.

Though the learned counsel for the petitioner contended that the Labour Court has no jurisdiction to pass any order directing continuation of regularization of N.M.R, as seen from the order impugned, it is only a suggestion to absorb the petitioner, if there is any permanent vacancy and eligibility.

In the light of the above circumstances, there are no merits in the writ petition and the same is accordingly disposed of. No costs.

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06-02-2006

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